

September 7, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On September 6, 2007, members of the CA2C including: Stacy Fuller, DIRECTV; Hank Hultquist, AT&T; Kevin Rupy, USTelecom; Steve Pastorkovich, OPASTCO; Richard Ramlall, RCN; Felix Boccucci, Knology; Jack Day, SureWest; Bill Heaston, PrairieWave; Gary Evans, Hiawatha Broadband; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had meetings on behalf of the referenced companies and organizations with Commissioner McDowell and his legal advisor Cristina Pauze, with Commissioner Tate and her legal advisor Amy Blankenship, and with Chairman Martin and Monica Desai, Media Bureau Chief. The meeting with Chairman Martin and Monica Desai also included Jonathan Banks, USTelecom; Joshua Seidemann, ITTA; and Pete Aquino, RCN.

At these meetings we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding. We also endorsed inclusion of the terrestrial loophole issue as part of a Further Notice of Proposed Rule Making and that such an FNPRM should be staged for resolution within 6 months.

The CA2C also emphasized the connection between assured access to programming that is vertically integrated with cable operators and the further development of broadband networks. The continued development of broadband networks and usage is dependent on the ability to successfully offer video services on the same wireline networks that will also expand broadband.

We further expressed our appreciation that this item was included in the released agenda for the FCC open meeting on September 11th. The current rules are set to Sunset in early October and we believe that taking action on the 11th is fully appropriate.

The agenda used in these meetings is appended as further reference to these discussions.

Respectfully submitted by:

/s/

John Goodman, President, CA2C
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Enclosure

cc: Commissioner McDowell, Cristina Pauze, Commissioner Tate, Amy Blankenship, Chairman Martin, Monica Desai

Coalition for Competitive Access to Content (CA2C)
FCC Meeting Agenda, September 6, 2007

CA2C Attendees: Felix Boccucci, Knology
William "Bill" Heaston, PrairieWave
Gary Evans, Hiawatha Broadband
Jack Day, SureWest
Stacy Fuller, DIRECTV
Hank Hultquist, AT&T
Jonathan Banks, USTelecom
Kevin Rupy, USTelecom
Pete Aquino, RCN
Richard Ramlall, RCN
Joshua Seidemann, ITTA
Steve Pastorkovich, OPASTCO
John Goodman, CA2C
Martin Stern, K&L Gates

1. Introduction

2. The Current Program Access Proceeding

- We support the proposal for extending the ban on exclusives.
 - 5 years is appropriate
 - Better discovery is essential. We assume the expansion will provide access to relevant contracts for FCC staff and the process will maintain appropriate confidentiality.
 - A maximum of 5 months for a complaint proceeding can work if enforced. This should not prevent the process from moving as quickly as possible to closure. Many program access disputes are very time sensitive and 5 months can result in losing an entire season of content.
- The ban on exclusives must be extended because cable operators still have the incentive and the ability to withhold vertically integrated "must have" content from their competitors.
- Any diminished access to such content will harm both current and desired video competition.
- The current rules have been historically essential and have caused no harm.
- Program access rules also benefit further broadband development.

3. The Proposed Further Notice

- We support the FCC proposal to address the Terrestrial Loophole as part of an FNPRM. We further request that the FNPRM be staged for completion within 6 months.
- The CA2C continues to support closing the terrestrial loophole.